

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**SOVEREIGN PEAK VENTURES, LLC,**

**Plaintiff,**

**v.**

**HMD GLOBAL and HMD GLOBAL OY,**

**Defendant,**

**Civil Action No. 6:23-cv-759-ADA**

**JURY TRIAL**

**SCHEDULING ORDER**

<b>Deadline</b>	<b>Item</b>
March 29, 2024	Deadline to file motion for inter-district transfer. After this deadline, movants must seek leave of Court and show good cause for the delay.
March 1, 2024	Plaintiff serves preliminary <sup>1</sup> infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date ( <i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
March 8, 2024	Case Management Conference
March 22, 2024	The Parties shall file a motion to enter an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of Scheduling Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.

<sup>1</sup> The parties may amend preliminary infringement contentions and preliminary invalidity contentions without leave of court so long as counsel certifies that it undertook reasonable efforts to prepare its preliminary contentions and the amendment is based on material identified after those preliminary contentions were served and should do so seasonably upon identifying any such material. Any amendment to add claims requires leave of court so that the Court can address any scheduling issues.

Deadline	Item
April 26, 2024	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
May 10, 2024	Parties exchange claim terms for construction.
May 24, 2024	Parties exchange proposed claim constructions.
May 31, 2024	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. <sup>2</sup> With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
June 7, 2024	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
June 14, 2024	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
July 5, 2024	Plaintiff files Responsive Claim Construction Brief
July 19, 2024	Defendant files Reply claim construction brief.
July 19, 2024	Parties to jointly email the law clerks ( <i>see</i> OGP at 1) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions remain unripe for resolution.

<sup>2</sup> Any party may utilize a rebuttal expert in response to a brief where expert testimony is relied upon by the other party.

Deadline	Item
August 2, 2024	Plaintiff files a Sur-Reply claim construction brief.
August 6, 2024	Parties submit optional technical tutorials to the Court and technical Advisor (if appointed).
August 7, 2024	Parties submit Joint Claim Construction Statement and email the law clerks an editable copy.  <i>See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical advisor (if appointed).</i>
August 16, 2024 <sup>3</sup>	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder and the Court may adjust this date as the <i>Markman</i> hearing approaches.
August 19, 2024	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
September 27, 2024	Deadline to add parties.
October 11, 2024	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to Infringement or Invalidity contentions. This deadline does not relieve the Parties of their obligation to seasonably amend if new information is identified after initial contentions.
December 6, 2024	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or claims. (Note: This includes amendments in response to a 12(c) motion.)
February 14, 2025	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
March 14, 2025	Close of Fact Discovery.

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<sup>3</sup> All deadlines hereafter follow the original *Markman* hearing date and do not change if the Court delays the *Markman* hearing.

Deadline	Item
March 21, 2025	Opening Expert Reports.
April 18, 2025	Rebuttal Expert Reports.
May 9, 2025	Close of Expert Discovery.
May 16, 2025	Deadline for the second of two meet and confer to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
May 23, 2025	Dispositive motion deadline and <i>Daubert</i> motion deadline.  <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).  Deadline for parties desiring to consent to trial before the magistrate judge to submit Form AO 85, "Notice, Consent, And Reference Of A Civil Action To A Magistrate Judge," available at <a href="https://www.uscourts.gov/forms/civilforms/notice-consent-and-reference-civil-action-magistratejudge">https://www.uscourts.gov/forms/civilforms/notice-consent-and-reference-civil-action-magistratejudge</a> .
June 6, 2025	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
8 weeks before TBD trial date (June 19, 2025)	Parties to jointly email the Court's law clerk ( <i>See</i> OGP at 1) to confirm their pretrial conference and trial dates.
June 20, 2025	Serve objections to pretrial disclosures/rebuttal disclosures.
June 27, 2025	Serve objections to rebuttal disclosures and File Motions <i>in limine</i> .
July 3, 2025	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>

Deadline	Item
	From this date onwards, the parties are obligated to notify the Court of any changes to the asserted patents or claims. Such notification shall be filed on the docket within seven (7) days of the change and shall include a complete listing of all asserted patents and claims. If a change to the asserted patents or claims requires leave of court (for example, if a party is moving for leave to assert additional claims), notification shall not be required until the Court grants leave, at which point the notification must be filed within seven (7) days.
July 11, 2025	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at <a href="mailto:kmdaviscsr@yahoo.com">kmdaviscsr@yahoo.com</a> .  Deadline to file replies to motions in <i>limine</i> .
July 18, 2025	Deadline to meet and confer regarding remaining objections and disputes on motions in <i>limine</i> .
3 business days before TBD Pretrial Conference date (July 22, 2025)	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions in <i>limine</i> .
July 25, 2025	Final Pretrial Conference. The Court expects to set this date at the conclusion of the Markman Hearing.
August 15, 2025 <sup>4</sup>	Jury Selection/Trial.

**IT IS SO ORDERED.**

**SIGNED THIS** \_\_\_\_ day of \_\_\_\_\_, 2024.

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HON. ALAN D. ALBRIGHT  
UNITED STATES DISTRICT JUDGE

<sup>4</sup> If the actual trial date materially differs from the Court's default schedule, the Court will consider reasonable amendments to the case schedule post-*Markman* that are consistent with the Court's default deadlines in light of the actual trial date.